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**OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

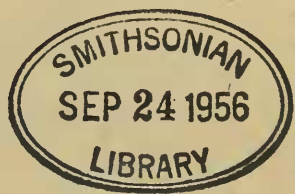
*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**  
Secretary to the Commission

**VOLUME 13. Part 17. Pp. 265—274**

**OPINION 416**

Validation under the Plenary Powers of the specific name *ferruginea* Hodgson, 1845, as published in the combination *Hemichelidon ferruginea* (Class Aves)



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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 416

### A. The Officers of the Commission

*Honorary Life President* : Dr. Karl JORDAN (*British Museum (Natural History),  
Zoological Museum, Tring, Herts., England*)

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*President* : Professor James Chester BRADLEY (*Cornell University, Ithaca, N.Y.,  
U.S.A.*) (12th August 1953)

*Vice-President* : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th  
August 1953)

*Secretary* : Mr. Francis HEMMING (*London, England*) (27th July 1948)

### B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent  
re-election, as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The  
Netherlands*) (1st January 1947)

Senor Dr. Angel CABRERA (*Eva Peron, F.C.N.G.R., Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Joseph PEARSON (*Tasmanian Museum, Hobart, Tasmania, Australia*) (27th  
July 1948)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*)  
(27th July 1948)

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Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History) London*) (9th  
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Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences,  
Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg,  
Frankfurt a. M., Germany*) (5th July 1950)

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zu Berlin, Germany*) (5th July 1950)

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Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August  
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Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th  
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Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th  
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Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York,  
N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th  
August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Nether-  
lands*) (12th August 1953)

## OPINION 416

### VALIDATION UNDER THE PLENARY POWERS OF THE SPECIFIC NAME "FERRUGINEA" HODGSON, 1845, AS PUBLISHED IN THE COMBINATION "HEMICHELIDON FERRUGINEA" (CLASS AVES)

**RULING.**—(1) Under the Plenary Powers the specific name *ferruginea* Merrem, 1784, as published in the combination *Muscicapa ferruginea*, is hereby suppressed for the purposes both of the Law of Priority and of the Law of Homonymy.

(2) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 732: *ferruginea* Hodgson, 1845, as published in the combination *Hemichelidon ferruginea* and as validated under the Plenary Powers under (1) above.

(3) The under-mentioned specific names are hereby placed on *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Nos. 310 and 311 respectively :—

- (a) *ferruginea* Merrem, 1784, as published in the combination *Muscicapa ferruginea*, as suppressed under the Plenary Powers under (1) above ;
- (b) *ferruginea* Hodgson, June 1844, as published in the combination *Hemichelidon ferruginea* (a *nomen nudum*).

## I.—THE STATEMENT OF THE CASE

On 3rd June 1952 Dr. Charles Vaurie (*The American Museum of Natural History, New York*) submitted to the Commission the following application for the suppression under the Plenary Powers of the specific name *ferruginea* Merrem, 1784, as published in the combination *Muscicapa ferruginea*, for the purpose of validating the name *ferruginea* Hodgson, 1845, as published in the combination *Hemichelidon ferruginea*, a junior secondary homonym in the genus *Muscicapa* Linnaeus, 1758, of the name *ferruginea* Merrem :—

**Proposed use of the Plenary Powers to validate the trivial name "ferruginea" Hodgson, 1845, as published in the combination "Hemichelidon ferruginea", by the suppression of the trivial name "ferruginea" Merrem, 1784, as published in the combination "Muscicapa ferruginea" (Class Aves)**

By CHARLES VAURIE

(*The American Museum of Natural History, New York*)

The object of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers to preserve the trivial name *ferruginea* Hodgson, 1845, as published in the combination *Hemichelidon ferruginea* (Class Aves). The details of this case are set out below.

2. The species, which was treated as belonging to the genus *Hemichelidon* when it was first described and named *Hemichelidon ferruginea* Hodgson, 1845 (*Proc. zool. Soc. Lond.* 13(146) : 32) is now placed in the genus *Muscicapa* Linnaeus, 1766. There is however a much older nominal species originally described as belonging to the genus *Muscicapa*, namely *Muscicapa ferruginea* Merrem, 1784 (*Avium rar. Icones* 1 : 19). Thus, the trivial name *ferruginea* Hodgson, 1845, is invalid, as a junior secondary homonym in the genus *Muscicapa*.

3. Merrem's work is not available to me, but according to a personal communication which I have received from Mr. H. G. Deignan (*U.S. National Museum, Washington*), both the species represented by *Muscicapa ferruginea* Merrem and its country of origin is uncertain. On the other hand, the bird to which Hodgson gave the name *Hemichelidon ferruginea* has been known by the trivial name *ferruginea* for 107 years and has been cited under that name by the authors of all standard works (Hartert 1910, *Die Vög. Paläarkt. Fauna* 1 : 479 ; Stuart Baker, *Faun. Brit. Ind.* ; R. B. Sharpe, *Cat. Birds Brit. Mus.* 4 : 122 ; F. N. Chasen, 1935, *Handlist of Malaysian Birds* : 163).

4. Great and quite unnecessary confusion and disturbance would be created by the rejection of the trivial name *ferruginea* Hodgson by

reason of its being a junior secondary homonym in the genus *Muscicapa* of the trivial name *ferruginea* Merrem. This would be all the less justified in view of the fact that the name published by Merrem is a *nomen dubium*. It is to prevent this disturbance that this case is now submitted to the International Commission under the procedure prescribed by the International Congress of Zoology for dealing with problems presented by *nomina dubia* (1950, *Bull. zool. Nomencl.* 4 : 76).

5. The application now submitted is that the International Commission on Zoological Nomenclature should :—

- (1) use its Plenary Powers (a) to suppress the trivial name *ferruginea* Merrem, 1784, as published in the combination *Muscicapa ferruginea*, for the purposes both of the Law of Priority and of the Law of Homonymy, and (b) to validate the trivial name *ferruginea* Hodgson, 1845, as published in the combination *Hemichelidon ferruginea* ;
- (2) place the trivial name *ferruginea* Hodgson, 1845, as published in the foregoing combination, as validated, under (1)(b) above, under the Plenary Powers, on the *Official List of Specific Trivial Names in Zoology* ;
- (3) place the under-mentioned trivial names on the *Official Index of Rejected and Invalid Specific Trivial Names in Zoology* :—
  - (a) *ferruginea* Merrem, 1784, as published in the combination *Muscicapa ferruginea*, as proposed, under (1)(a) above, to be suppressed under the Plenary Powers ;
  - (b) *ferruginea* Hodgson, June 1844, as published in the combination *Hemichelidon ferruginea* Hodgson, (1844, *Gray's Zool. Miscell.* (6) : 84) (a *nomen nudum*).

## II.—THE SUBSEQUENT HISTORY OF THE CASE

**2. Registration of the present application :** Upon the receipt of Dr. Vaurie's application the question of the use of the Commission's Plenary Powers for the purpose of validating the specific name *ferruginea* Hodgson, 1845, as published in the combination *Hemichelidon ferruginea*, was allotted the Registered Number Z.N.(S.) 687.

**3. Publication of the present application :** The present application was sent to the printer on 4th July 1952 and was published on 15th October of the same year in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature* (Vaurie, 1952, *Bull. zool. Nomencl.* 9 : 105—106).

**4. Issue of Public Notices :** Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 15th October 1952 (a) in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature* (the Part in which the application by the Standing Committee on Ornithological Nomenclature was published), (b) to the other prescribed serial publications, and (c) to certain general zoological serials. In addition, such Notice was given also to fourteen serial publications or institutions specially concerned with ornithology. The names of the serials and institutions in question have been given in the *Opinion (Opinion 401)*<sup>1</sup> relating to the generic name *Colymbus* Linnaeus, the *Opinion* in which the Commission dealt with the first of the series of applications submitted by the Standing Committee on Ornithological Nomenclature.

**5. Comments of a general character :** The issue of the Public Notices specified above elicited thirty-seven comments of a general character relating to the cases of ornithological nomenclature published in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature*. These comments came from ornithological institutions, groups of ornithologists and individual specialists. Of these comments, the authors of thirty-six gave general support to the applications published in the foregoing Triple-Part. The single remaining comment was from a specialist who was opposed to any use of the Commission's Plenary Powers. The communications so received have been reproduced in the Appendix annexed to *Opinion 401 (Colymbus)*<sup>2</sup>, those supporting the applications referred to above being given

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<sup>1</sup> *Opinion 401* has been published as Part 1 of the present volume.

<sup>2</sup> See Footnote 1.

in Part 1, the single comment in opposition to the above applications being given in Part 2. Two comments directly concerned with the present application were received in the Office of the Commission, both of which were in support of the action proposed. These communications are reproduced in the immediately following paragraphs. No communication specifically objecting to the use of the Plenary Powers in the manner proposed in the present case was received from any source.

**6. Support received from Colonel Richard Meinertzhagen (London):** On 5th December 1952 Colonel Richard Meinertzhagen (*London*) addressed a letter to the Commission intimating his support for certain of the applications relating to ornithological nomenclature then recently published in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature*. As regards the present application Colonel Meinertzhagen wrote as follows :—

I wish to register my whole-hearted agreement with recommendation No. 22 (*Hemichelidon ferruginea*)<sup>3</sup>.

**7. Support received from Dr. Josselyn Van Tyne (Ann Arbor, Michigan, U.S.A.) and five other United States ornithologists:** On 18th March 1953 Dr. Josselyn Van Tyne (*Ann Arbor, Michigan, U.S.A.*) and the five under-mentioned specialists addressed to the Commission a joint letter of support for the present application : (a) Robert W. Storer (*Museum of Zoology, Ann Arbor, Michigan, U.S.A.*) ; (b) Andrew J. Berger (*Ann Arbor, Michigan, U.S.A.*) ; (c) Olin Sewall Pettingill, Jr. (*Northfield, Minnesota, U.S.A.*) ; (d) Frank A. Pitelka (*Berkeley, California, U.S.A.*) ; (e) John Davis (*Los Angeles, California, U.S.A.*). The letter so received was as follows :—

We, the undersigned, wish to express our strong approval of proposal No. 15 (concerning *ferruginea* Hodgson)<sup>4</sup> published on page 3 of vol. 9 of the *Bulletin of Zoological Nomenclature*. We hope that your Commission will take favorable action on it.

<sup>3</sup> The number here cited by Colonel Meinertzhagen is the number under which the present application appeared in the list of cases published in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature* which was printed on the coloured wrapper (cover) in which the above Part was published.

<sup>4</sup> The case number here cited by Dr. Van Tyne and his colleagues is that under which the present case was enumerated in the Prescribed Plenary Powers Notice published on page 3 (the page reference cited by the above specialists) in volume 9 of the *Bulletin of Zoological Nomenclature*.

### III.—THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**8. Issue of Voting Paper V.P.(54)85 :** On 14th May 1954, a Voting Paper (V.P.(54)85) was issued in which the Members of the Commission were invited to vote either for, or against, " the proposal relating to the name *ferruginea* Hodgson, 1845, as published in the combination *Hemichelidon ferruginea*, as set out in Points (1) to (3) in paragraph 5 on page 106 of volume 9 of the *Bulletin of Zoological Nomenclature* " [i.e. in the Points numbered as above in paragraph 5 of the application reproduced in the first paragraph of the present *Opinion*].

**9. The Prescribed Voting Period :** As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 14th August 1954.

**10. Particulars of the Voting on Voting Paper V.P.(54)85 :** At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(54)85 was as follows :—

(a) *Affirmative Votes had been given by the following nineteen (19) Commissioners (arranged in the order in which Votes were received) :*

Boschma ; Holthuis ; Lemche ; Dymond ; Hering ;  
Vokes ; Esaki ; Riley ; Bonnet ; Bradley (J.C.) ;  
Jaczewski ; Hemming ; do Amaral ; Pearson ; Hankó ;  
Mertens ; Sylvester-Bradley ; Cabrera ; Stoll ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.



**11. Declaration of Result of Vote :** On 17th August 1954, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(54)85, signed a Certificate that the Votes cast were as set out in paragraph 10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**12. Preparation of the Ruling given in the present " Opinion " :** On 22nd October 1955 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(54)85.

**13. Original References :** The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

- ferruginea*, *Muscicapa*, Merrem, 1784, *Avium rar. et minus cogn. Icones et Descript.* 1 : 19  
*ferruginea*, *Hemichelidon*, Hodgson, June 1844, Gray's *Zool. Miscell.* (6) : 84  
*ferruginea*, *Hemichelidon*, Hodgson, 1845, *Proc. zool. Soc. Lond.* 13(146) : 32

**14.** At the time of the submission of the present application the name applicable to the second portion of a binomen was " trivial name ". This was altered to " specific name " by the Fourteenth International Congress of Zoology, Copenhagen, 1953, which at the same time made corresponding changes in the titles of the *Official List* and *Official Index* of names of this category. These changes in terminology have been incorporated in the Ruling given in the present *Opinion*.

**15.** The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in

dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

16. The present *Opinion* shall be known as *Opinion* Four Hundred and Sixteen (416) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Second day of October, Nineteen Hundred and Fifty-Five.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**